

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *ale* D.C.
05 JUN -1 PM 4:01

ROBERT P. TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

KELVIN SETTLE,

Petitioner,

vs.

T.C. OUTLAW,

Respondent.

X
X
X
X
X
X
X
X
X
X

No. 05-2150-Ma/P

SECOND ORDER DIRECTING PETITIONER TO
FILE AN IN FORMA PAUPERIS AFFIDAVIT OR PAY THE HABEAS FILING FEE

Petitioner Kelvin Settle, Bureau of Prisons inmate registration number 26754-044, an inmate at the Federal Prison Camp in Millington, Tennessee, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on February 23, 2005. The Court issued an order on March 11, 2005 directing the petitioner, within thirty (30) days, to file a properly completed in forma pauperis affidavit, along with a copy of his inmate trust fund account statement, or pay the habeas filing fee. The petitioner has not responded to this order, and the time set for compliance has expired.

After the Court's order was prepared but before it was signed, the Clerk docketed an in forma pauperis application that

had been submitted with the complaint but had not been filed at that time because it did not contain an original signature. That affidavit does not substantially comply with the Court's order because it does not disclose any information concerning the plaintiff's inmate trust fund account. Nonetheless, because the failure of the Court's original order to discuss this affidavit may have confused the petitioner, the Court ORDERS the petitioner, for the second time, to submit a properly completed in forma pauperis affidavit and a copy of his inmate trust fund account statement or pay the five dollar (\$5.00) habeas filing fee within thirty (30) days of the date of entry of this order.¹ Failure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute.

IT IS SO ORDERED this 31st day of May, 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE

¹ In the interest of expediting this matter, petitioner is advised that, if his inmate trust fund account has a balance of at least twenty-five dollars (\$25.00), an application to proceed in forma pauperis will be denied.



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02150 was distributed by fax, mail, or direct printing on June 2, 2005 to the parties listed.

Kelvin Settle
FPC-MILLINGTON
26754-044
P.O. Box 2000
Millington, TN 38083

Honorable Samuel Mays
US DISTRICT COURT